

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1252**

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**Introduced by Assembly Member Davis**

February 18, 2011

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~~An act to amend Section 1167 of the Penal Code, relating to criminal trials.~~ *An act to add Section 72037 to the Education Code, relating to the Los Angeles Community College District.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1252, as amended, Davis. ~~Criminal trials.~~ *Los Angeles Community College District: elections.*

*Existing law authorizes the county committee on school district organization, upon petition of the governing board of any community college district, to provide for the establishment, rearrangement, or abolishment of trustee areas in any community college district.*

*This bill would establish a separate procedure for the election of the trustees of the Los Angeles Community College District. The bill would specify that a candidate for election must reside in, and be registered to vote in, the trustee area he or she seeks to represent. The size of the board, nomination of candidates, and term length, would be determined, as specified.*

*This bill would require the governing board of each trustee area to set the boundaries of each trustee area before March 1, 2012, to reflect the population enumerated in the federal 2010 decennial census. If the governing board fails to timely set the boundaries, then the county committee on school district organization shall do so before April 30, 2012. Because this bill would impose new duties on the Los Angeles*

*Community College District, it would impose a state-mandated local program.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for the Los Angeles Community College District.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law provides for the right to trial by jury. Existing law allows a jury to be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. Existing law requires that when a jury trial is waived, the judge before whom the trial is had shall announce his or her findings upon the issues of fact in substantially the form prescribed for the general verdict of a jury.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*  
3     *(a) Changing the manner of election of members of the*  
4     *governing board of the Los Angeles Community College District*  
5     *to elections by trustee area, rather than on a districtwide basis,*  
6     *would enable a greater number of candidates to run for seats on*  
7     *the board by eliminating the costs associated with running for*  
8     *districtwide election, would make it easier for trustees to know*  
9     *their constituents and for the constituents to know their trustees,*  
10    *and would protect the district from the uncertainty and cost of*  
11    *litigation of a challenge to the "at-large" electoral system*  
12    *currently used by the district as a violation of the California Voting*  
13    *Rights Act of 2001.*

1     ***(b) In light of the June 2010 approval of Proposition 14,***  
2     ***whereby all state and congressional elections shall be decided by***  
3     ***a “top-two primary” in which the top two vote getters in the***  
4     ***primary election advance to the general election to determine the***  
5     ***winner, a similar change in the manner of election of members of***  
6     ***the district’s governing board to a “top-two primary” method***  
7     ***would best reflect the will of the voters.***

8     ***(c) Data from the 2010 census, which will be available in April***  
9     ***2011, will permit trustee areas to be drawn and implemented using***  
10    ***the most up-to-date demographic data available for the district’s***  
11    ***2012 board of elections.***

12    ***SEC. 2. Section 72037 is added to the Education Code, to read:***  
13    ***72037. (a) Notwithstanding any other provision of law, the***  
14    ***number of members, the election of members, and the***  
15    ***reapportionment of trustee areas of the governing board of the***  
16    ***Los Angeles Community College District shall be conducted***  
17    ***pursuant to this section.***

18    ***(b) Candidates for election as a member of the governing board***  
19    ***of the district shall be nominated by trustee area at a district***  
20    ***primary election held on the date of the statewide direct primary***  
21    ***election. The two candidates receiving the highest number of votes***  
22    ***at the district primary election within the trustee area shall be the***  
23    ***nominees for the district general election for that trustee area. The***  
24    ***nominee who receives a majority of the votes cast by the voters of***  
25    ***the trustee area in the district in the districtwide general election***  
26    ***shall be elected to represent that trustee area. The district general***  
27    ***election shall be held on the same date as the statewide general***  
28    ***election.***

29    ***(c) Candidates for election as a member of the governing board***  
30    ***shall file a declaration of candidacy as provided in this code. Each***  
31    ***member of the governing board elected at the district general***  
32    ***election shall hold office for a term of four years commencing on***  
33    ***the first Friday in December next succeeding his or her election.***

34    ***(d) The members of the governing board in office on January***  
35    ***1, 2012, shall hold office until the first Friday in December of the***  
36    ***year in which their respective term of office would otherwise have***  
37    ***terminated, or until a successor qualifies.***

38    ***(e) The territory of the district shall be divided into trustee areas***  
39    ***and one member of the governing board shall be elected from each***  
40    ***trustee area. A candidate for election as a member of the governing***

1 board shall reside in, and be registered to vote in, the trustee area  
2 he or she seeks to represent.

3 (f) The governing board of the district shall be composed of not  
4 less than five members and not more than nine, as determined by  
5 the governing board. Sections 5019 to 5030, inclusive, do not apply  
6 to the governing board's determination of the number of members  
7 pursuant to this subdivision. If the number of members of the  
8 governing board is increased or decreased, the governing board  
9 shall establish new trustee areas, abolish trustee areas, or adjust  
10 the boundaries of trustee areas so that the number of trustee areas  
11 is equal to the number of governing board members. If the number  
12 of members of the governing board is increased, the additional  
13 members of the governing board shall be elected at the next regular  
14 district general election of board members occurring at least 123  
15 days after the governing board approved the increased number of  
16 board members. Prior to the next district general election, the  
17 governing board shall divide by lot the additional trustee area  
18 positions that are created so that the term of one-half of the board  
19 members elected to those positions shall expire on the first Friday  
20 in December following the next district general election. The term  
21 of the other board members elected to fill the remainder of the  
22 additional positions shall expire on the first Friday in December  
23 following the second district general election succeeding their  
24 election.

25 (g) The governing board shall set the boundaries of each trustee  
26 area before March 1, 2012, to reflect the population enumerated  
27 in the 2010 decennial federal census. If the governing board fails  
28 to set the boundaries before March 1, 2012, the county committee  
29 on school district organization shall do so before April 30, 2012.  
30 The boundaries of each trustee area shall be set so that the  
31 population of each area is, as nearly as may be, the same  
32 proportion of the total population of the district as each of the  
33 other areas. Thereafter, the boundaries of trustee areas shall be  
34 adjusted pursuant to Section 5019.5 and may be abolished or  
35 rearranged as otherwise provided in this code.

36 SEC. 3. The Legislature finds and declares that a special law  
37 is necessary and that a general law cannot be made applicable  
38 within the meaning of Section 16 of Article IV of the California  
39 Constitution for the Los Angeles Community College District due

1 *to the unique circumstances associated with holding an election*  
2 *on a districtwide basis.*

3 *If the Commission on State Mandates determines that this act*  
4 *contains costs mandated by the state, reimbursement to local*  
5 *agencies and school districts for those costs shall be made pursuant*  
6 *to Part 7 (commencing with Section 17500) of Division 4 of Title*  
7 *2 of the Government Code.*

8 ~~SECTION 1. Section 1167 of the Penal Code is amended to~~  
9 ~~read:~~

10 ~~1167. When a jury trial is waived, the judge or justice before~~  
11 ~~whom the trial is had shall, at the conclusion thereof, announce~~  
12 ~~his or her findings upon the issues of fact, which shall be in~~  
13 ~~substantially the form prescribed for the general verdict of a jury~~  
14 ~~and shall be entered upon the minutes.~~